



W.P(MD)No.17720 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17720 of 2025

Lingeswaran

... Petitioner

Vs.

1. The District Registrar,
Virudhunagar District,
Virudhunagar.

2. The Sub Registrar,
Sub Registrar Office,
M.Reddiyapatti,
Virudhunagar District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the refusal check slip by its RFL/M.Reddiyaptti/8/2025 issued by the 2nd respondent, dated 25.06.2025 and to quash the same as unlawful and unsustainable, consequently, to direct the 2nd respondent to register the said partition deed, dated 25.06.2025, as and when the same is presented by the petitioner before him.

For Petitioner

: Mr.S.Kishore Kumar

For Respondents

: Mr.D.Sasikumar

Additional Government Advocate



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned refusal check slip issued by the 2nd respondent, dated 25.06.2025 and consequently, to direct the 2nd respondent to register the said partition deed dated 25.06.2025 as and when the same is presented by the petitioner.

2.Through the impugned order, the 2nd respondent has directed the petitioner to submit the legal heir certificate and death certificate. Further, it stated that the Will was not registered and the Will has not been probated.

3.It is settled law that the Will need not be probated. Hence, the 2nd respondent cannot direct the petitioner to probate the Will. Further, the Will may be registered or unregistered, since registration of Will is not compulsory.

4.The next objection is that the petitioner has not produced the legal heir certificate and the death certificate. If the Will has to come into existence, death certificate is necessary. Therefore, the petitioner is directed to submit the death certificate before the respondents.

5.As for as the legal heir certificate is concerned, the contention of the petitioner is that the executant of the Will has no legal heirs. The husband had



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pre-deceased and they did not have any children. Further, the Will is executed to the two second class legal heirs. Only four legal heirs are available and the four legal heirs are intending to divide the properties based on the partition deed which was granted under the Will.

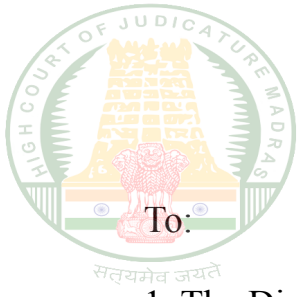
6.The petitioner and the other four legal heirs shall submit an undertaking to the respondents stating that there are no other legal heirs and they are dividing the property as per the Will. The petitioner is also directed to produce the original Will and the death certificate before the respondents. After obtaining the said undertaking and the death certificate, the respondents are directed to register the partition deed within a period of four weeks from the date of receiving the above said documents.

7.With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

30.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

Tmg



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To:

1. The District Registrar
Virudhunagar District,
Virudhunagar.
2. The Sub Registrar
Sub Registrar Office,
M.Reddiyapatti,
Virudhunagar District.



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.17720 of 2025**

DATED : 30.06.2025